

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

STEPHEN M. GRUVER, ET AL.

CIVIL ACTION

v.

STATE OF LOUISIANA THROUGH THE BOARD OF  
SUPERVISORS OF LOUISIANA STATE  
UNIVERSITY AND AGRICULTURAL AND  
MECHANICAL COLLEGE, ET AL.

NO. 3:18-cv-00772-SDD-EWD

**SECOND STATUS REPORT**

**A. JURISDICTION**

**What is the basis for the jurisdiction of the Court?**

**Plaintiffs' Position:** This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331, because this litigation involves claims arising under Title IX of the Education Amendments of 1972, 20 U.S.C § 1681, *et seq.* This Court has supplemental jurisdiction over the state law claims alleged herein pursuant to 28 U.S.C. § 1337, as they are so related to Plaintiffs' claims made under Title IX, 20 U.S.C. § 1681, *et seq.*, that they form part of the same case or controversy under Article III of the United States Constitution.

**Defendants' Position(s):**

**• Defendant State of Louisiana through the Board of Supervisors of Louisiana**

**State University and Agricultural and Mechanical College (“LSU”):** LSU contends it is immune from suit in this or any Federal Court pursuant to the Eleventh Amendment to the United States Constitution for the reasons more fully described in its Motion to Dismiss pursuant to Rule 12(b) of the Federal Rules of Civil Procedure (Rec. Doc. 51). On August 18, 2019, LSU filed a Notice of Appeal to the U.S. Court of Appeals for the Fifth Circuit, appealing the Court's Ruling Granting in Part and Denying in Part LSU's Motion to Dismiss (Rec. Doc. 116), insofar as the Ruling denied LSU's Motion to Dismiss for Lack of Jurisdiction pursuant to Fed. R. Civ.

P. 12(b)(1) and the Eleventh Amendment to the U.S. Constitution (Rec. Doc. 124). LSU's opening brief in the appeal is due on October 21, 2019. This Court is deprived of jurisdiction over Plaintiffs' claims against LSU while LSU's appeal is pending. *See Williams v. Brooks*, 996 F.2d 728, 730 n.2 (5th Cir. 1993) (citing *Mitchell v. Forsyth*, 472 U.S. 511, 526–27 (1985)).

- **Defendant Hall:** Hall contends that there is no federal jurisdiction over the claims against him based on the Title IX claims, and that the claims against him do not arise out of, nor are they related to plaintiffs' claims under Title IX, 20 U.S.C. § 1681, *et seq.*

## **B. BRIEF EXPLANATION OF THE CASE**

**1. Plaintiffs' Response:** This case arises out of the tragic death of Plaintiffs' son, Maxwell R. Gruver, who died on September 14, 2017, from alcohol poisoning as a result of being hazed by his LSU-recognized fraternity and its members. At the time of his death, Max was a freshman at LSU and a fraternity pledge of Defendants Phi Delta Theta Fraternity and Louisiana Beta Chapter of Phi Delta Theta Fraternity. Plaintiffs assert claims arising under Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, *et seq.*, against Defendant Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and state law claims for negligence resulting in wrongful death against all of the other Defendants.

**2. Response of Defendant Patrick A. Forde:** Patrick A. Forde denies that he was responsible in any way for the death of Mr. Gruver. Patrick A. Forde at this time, is still a defendant in a criminal proceeding and therefore exercises his rights under the 5<sup>th</sup> Amendment of the United States Constitution not to make any further statement in connection with this matter until the charges against him have been dismissed which is anticipated to happen on or shortly after October 16, 2019.

**3. Response of Defendant Zachary T. Hall:** As set forth in his answer, Zachary Hall denies that he is responsible for the death of Mr. Gruver.

**4. Response of Defendant Sean Paul Gott:** As set forth in his answer, Sean Paul Gott denies that he is responsible for the death of Mr. Gruver.

**5. Response of Defendant LSU:** LSU denies the substance of Plaintiff's allegations insofar as they are directed at LSU. Further, LSU maintains that it is inappropriate to reach the merits of Plaintiffs' case because Plaintiffs' have failed to state a claim upon which relief may be granted under Title IX, the only proffered basis for federal jurisdiction against LSU. Moreover, LSU is immune from suit in Federal Court pursuant to the Eleventh Amendment of the United States Constitution. Although this Court denied LSU's Motions to Dismiss on these grounds, LSU is seeking appellate review of this Court's denial of its Motion to Dismiss for lack of jurisdiction. Rec. Doc. 124. LSU has also filed a motion to certify this Court's order denying LSU's Motion to Dismiss pursuant to Rule 12(b)(6). Rec. Doc. 125.

**6. Response of Defendant Ryan M. Isto:** Ryan Isto denies that he was responsible for the death of Mr. Gruver.

### **C. PENDING MOTIONS**

**List any pending motion(s), the date filed, and the basis of the motion(s):**

**1. LSU's Notice of Appeal:** On August 18, 2019, LSU filed a Notice of Appeal from the Court's July 19, 2019 Ruling Granting in Part and Denying in Part LSU's Motion to Dismiss, insofar as the Ruling denied LSU's Motion to Dismiss for Lack of Jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1) (Rec. Doc. 124). LSU's opening brief in the appeal is due on October 21, 2019.

## **2. LSU's Motion's for Certification of Ruling for Interlocutory Appeal**

**pursuant to 28 U.S.C. 1292(B):** On August 19, 2019, LSU filed a Motion for Certification of Ruling for Interlocutory Appeal pursuant to 28 U.S.C. 1292(b) (Rec. Doc. 125). Through its motion, LSU requests that the Court amend its July 29, 2019 Ruling denying LSU's motion to Dismiss for Failure to State a Claim Upon Which Relief May Be Granted to include a certification for interlocutory appeal pursuant to 28 U.S.C. 1292(b). LSU contends: (1) that a substantial basis exists for a difference of opinion as to whether the correct standard was applied to determine whether Plaintiffs' allegations support a claim for LSU's institutional liability under Title IX; (2) appellate review of the legal issues presented in LSU's motion is likely to materially advance this litigation by giving rise to a basis for dismissal, or else, clarifying the issues for trial; and (3) judicial economy would be served by certifying the denial of LSU's 12(b)(6) motion for interlocutory appeal because the interlocutory appeal would be consolidated with LSU's appeal of the denial of Eleventh Amendment immunity. LSU also argues that the Court will be divested of jurisdiction over LSU while its appeal of the Court's ruling denying LSU's Motion to Dismiss for Lack of Jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1). On September 9, 2019, Plaintiffs filed a Memorandum in Opposition to LSU's motion (Rec. Doc. 128).

**3. Plaintiffs' Motion to Certify LSU's Appeal as Frivolous and Dilatory:** On August 21, 2019, Plaintiffs filed a Motion to Certify LSU's Appeal as Frivolous and Dilatory (Rec. Doc. 126). Plaintiffs move for an Order certifying as frivolous and dilatory LSU's interlocutory appeal of the Court's July 19, 2019 Ruling denying LSU's Motion to Dismiss for lack of Jurisdiction pursuant to Federal Rules of Civil Procedure Rule 12(b)(1) and the Eleventh Amendment of the United States Constitution (Rec. Doc. 124). Plaintiffs contend that such an Order is appropriate given, as the Court recognized, that "[b]ased on a wealth of binding

jurisprudence [including “Fifth Circuit precedent”] … LSU is not entitled to sovereign immunity from suits brought under Title IX.” (Rec. Doc. 116 at 13, 16.) On September 11, 2019, LSU filed an opposition to Plaintiff’s Motion (Rec. Doc. 130). Through their Motion, Plaintiffs request that the Court enter an Order: (1) certifying LSU’s interlocutory appeal as frivolous and dilatory; (2) expressly retaining jurisdiction over all matters in this case; and (3) directing the parties that discovery can proceed on all issues and as to all parties while LSU’s interlocutory appeal is pending, with the exception of Defendant Forde while criminal charges remain pending against him.

#### **D. ISSUES**

**List the principal legal issues involved and indicate whether or not any of those issues are in dispute:**

**1. Plaintiffs’ Response:**

Plaintiffs contend the principal legal issues involved in this case are as follows:

- i. Whether Defendant LSU violated Title IX by engaging in a systematic, intentional, and differential treatment of male students seeking the educational opportunities and benefits of LSU Greek Life and, if so, whether such discrimination was a proximate cause of Max Gruver’s hazing and/or death.
- ii. Whether any negligence and/or fault of each of the non-LSU Defendants were the cause in fact of Max Gruver’s hazing and/or death.
- iii. Whether the non-LSU Defendants are jointly and solidarily liable for their conduct under federal law or Louisiana Civil Code article 2324.
- iv. The extent of damages sustained by, and owed to, Plaintiffs, individually and on behalf of Max Gruver, as a result of the hazing and/or death of Max.
- v. Whether any negligence and/or fault of any third parties were the cause in fact of Max Gruver’s hazing and/or death.
- vi. Whether Max Gruver was comparatively or contributorily negligent or at fault in his hazing and/or death.

vii. Whether any negligence and/or fault of Max Gruver, and/or responsible third parties, were the cause in fact of Max Gruver's hazing and/or death.

**3. Defendant LSU's Response:<sup>1</sup>**

- i. Whether Plaintiffs' have stated a claim upon which relief may be granted under Title IX; and
- ii. Whether the Eleventh Amendment of the United States Constitution bars the prosecution of Plaintiffs' claims under Title IX and Louisiana State Law in this or any Federal Court.

**4. Defendant Forde's Response:**

- i. Whether Patrick A. Forde was an active member of the fraternity in question.
- ii. Whether Patrick A. Forde participated in any hazing of the decedent or any pledge.
- iii. Whether Patrick A. Forde owed any duty to Max Gruver.
- iv. Whether Patrick A. Forde was negligent in any manner.
- v. Whether Patrick A. Forde caused any pledge to drink any alcohol on the night in question.
- vi. Whether Max Gruver was comparatively negligent or assumed the risk of injury or death.
- vii. Whether Max Gruver sustained any conscious pain and suffering.
- viii. Other issues listed by any other party.

**4. Defendant Hall's Response:**

- i. Whether Hall was an agent of the fraternity.
- ii. Whether Hall participated in any hazing of the decedent.
- iii. Whether Hall owed any duty to Max Gruver and whether any such duty was breached.

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<sup>1</sup> LSU submits these two preliminary legal issues, both of which were fully briefed in LSU's Motion to Dismiss (Rec. Doc. 51), at this time. The myriad other legal issues implicated by Plaintiffs' claims will be addressed once these threshold issues of jurisdiction and Constitutional immunity are resolved by the Fifth Circuit.

- iv. Whether Hall was negligent and whether such negligence was a cause of plaintiffs' injuries.
- v. The extent of the negligence, if any, of the decedent and any other persons or entities.

**5. Defendant Gott's Response:**

- i. Whether Gott was an agent of the fraternity.
- ii. Whether Gott participated in hazing of the decedent.
- iii. Whether Gott owed any duty to Max Gruver and whether any such duty was breached.
- iv. Whether Gott was negligent and whether such negligence was a cause of plaintiffs' injuries.
- v. The extent of the negligence, if any, of the decedent and any other persons or entities.

**6. Defendant Isto's Response:**

- i. Whether Isto participated in any hazing of Mr. Gruver.
- ii. Whether Isto breached any duty owed to Mr. Gruver.
- iii. Whether Isto was negligent in any manner.
- iv. Whether Isto caused Mr. Gruver to drink any alcohol on the night in question.
- v. Whether Mr. Gruver was comparatively or contributorily negligent or at fault in his death.
- vi. Whether any negligence and/or fault of Mr. Gruver, and/or responsible third parties and co-defendants were the cause in fact of Mr. Gruver's death.

**E. DAMAGES**

**Separately, for each party who claims damages or an offset, set forth the computation of damages or the offset:**

**1. Plaintiffs' calculation of damages:** The amount of Plaintiffs' monetary damages

will be established through discovery and at the trial of this matter. If Plaintiffs prevail on their

claims under Title IX of the Education Amendments of 1972, 20 U.S.C § 1681, *et seq.*, against Defendant LSU, they will seek attorneys' fees and costs under applicable law.

**2. Defendants' calculation of offset and/or Plaintiffs' damages:**

- **Defendant Forde's Response:** Defendant, Patrick Forde, has asserted that Max Gruver was comparatively negligent which serves to bar or reduce any recovery by his parents. Defendant, Patrick A. Forde, also asserts that he is not responsible for any damages attributable to a violation of Title IX of the Education Amendments of 1972, 20 U.S.C. section 1681, *et seq.* nor can he be held solidarily liable with any defendant in this proceeding. Patrick A. Forde asserts that the plaintiff's monetary demand would suggest a claim for punitive damages which is not authorized under any State or Federal statute insofar as this matter is concerned. Finally, Patrick A. Forde asserts that other parties for whom he is not responsible, are responsible for the plaintiffs' damages.

- **Defendant Hall's Response:** Defendant Hall has asserted that the negligence of the decedent and of others was the cause of plaintiffs' loss, and that he is not responsible for the negligence or fault of others. Defendant contends that there is no evidence to support an award for decedent's conscious pain and suffering.

- **Defendant Gott's Response:** Defendant, Sean Paul Gott, has asserted that Max Gruver was comparatively negligent which serves to bar or reduce any recovery by his parents. Defendant, Sean Paul Gott, also asserts that he is not responsible for any damages attributable to a violation of Title IX of the Education Amendments of 1972, 20 U.S.C. section 1681, *et seq.* nor can he be held solidarily liable with any defendant in this proceeding. Sean Paul Gott asserts that the plaintiff's monetary demand would suggest a claim for punitive damages which is not authorized under any State or Federal statute insofar as this matter is

concerned. Finally, Sean Paul Gott asserts that other parties for whom he is not responsible, are responsible for the plaintiffs' damages.

- **Defendant LSU's Response:** Defendant LSU denies that it is liable for any portion of Plaintiffs' damages. Even assuming Plaintiffs succeed on their Title IX claim, Plaintiffs' damages resulted from intervening and superseding causes, including but not limited to, the criminal actions of third parties and Plaintiffs' decedent's own actions.

- **Defendant Isto's Response:** Defendant, Isto, denies liability for any damages of any kind.

## F. SERVICE

### **Identify any unresolved issues as to waiver or service of process, personal jurisdiction, or venue:**

**Plaintiffs' Response:** There are no unresolved issues as to personal jurisdiction or venue. As to waiver or service of process, on October 15, 2019, the Court granted Plaintiffs leave to amend their original Complaint. *See* Minute Order (Rec. Doc. 140). Through their First Amended Complaint, Plaintiffs add six (6) new Defendants to this case, all of whom were, at all relevant times, officers and/or members of the Louisiana Beta Chapter of Phi Delta Theta Fraternity. Service of process is outstanding as to all of the newly named Defendants, although Plaintiffs are diligently undertaking efforts to effectuate service and/or secure waiver of service from the newly named Defendants.

## G. DISCOVERY

### **1. Initial Disclosures:**

**A. Have the initial disclosures required under FRCP 26(a)(1) been completed?**

[ ] YES [X] NO

**B. Do any parties object to initial disclosures?**

[X] YES [ ] NO

For any party who answered *yes*, please explain your reasons for objecting.

Please see Section C, above, regarding LSU's Notice of Appeal and Motion for Certification of Ruling for Interlocutory Appeal. LSU contends that given its appeal and pending Motion, discovery, including the exchange of initial disclosures, is inappropriate at this time.

\* \* \* \*

The parties have agreed to refrain from exchanging initial disclosures until the Court has an opportunity to provide guidance on the issue.

**2. Briefly describe any discovery that has been completed or is in progress:**

**By Plaintiffs:** On November 2, 2018, Plaintiffs served Requests for Production on Phi Delta Theta Fraternity and the Louisiana Beta House Corporation (the "Fraternity Defendants"). After Plaintiffs served that discovery, Plaintiffs and the Fraternity Defendants agreed to mediate and, as noted below, during that mediation Plaintiffs reached an agreement in principle to settle their claims against the Fraternity Defendants. As a result of that mediation and the settlement in principle that resulted from it, the Fraternity Defendants did not respond to Plaintiffs' Requests for Production.

In addition, Plaintiffs served LSU with limited written discovery in connection with LSU's Motion to Dismiss, for which LSU provided timely responses.

**By Defendants:**

- **By Defendant Forde:** On October 11, 2018, Defendant Forde served interrogatories and requests for production on Plaintiffs via U.S. mail.

**3. Please describe any protective orders or other limitations on discovery that may be required/sought during the course of discovery.**

**Plaintiffs' Response:** Plaintiffs contend that, subject to Court approval, it is appropriate for the parties to enter into a stipulated confidentiality and protective order at the outset of discovery to protect sensitive information and records that will be sought and exchanged in discovery, including information and records protected by the privacy rules under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), *see* 45 CFR § 164.512(e), and the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g *et seq.*

**Defendants' Response(s):**

- **Defendant Isto's Response:** Defendant Isto agrees with the Plaintiffs' position.

**4. Discovery from experts:**

**Identify the subject matter(s) as to which expert testimony will be offered:**

**By Plaintiffs:** Plaintiffs anticipate that expert testimony will be offered regarding (1) the cause of Max Gruver's death and whether Max would have survived had he been timely provided with emergency medical treatment after he became dangerously intoxicated as a result of compelled alcohol consumption; (2) the conscious pain and suffering Max endured while he was being hazed and during the hours he struggled to stay alive after becoming dangerously intoxicated as a result of compelled alcohol consumption; and (3) the loss of comfort, services and support Plaintiffs suffered as a result of the death of their son.

**By Defendants:**

- **By Defendant Forde:** Defendant, Patrick A. Forde, may present expert testimony that will establish that Max Gruver did not experience conscious pain and suffering

after he fell asleep on the sofa at the fraternity home. Patrick A. Forde may also present expert testimony as noted by other Defendants to this proceeding.

- **By Defendant Gott:** Defendant, Sean Paul Gott, may present expert testimony that will establish that Max Gruver did not experience conscious pain and suffering after he fell asleep on the sofa at the fraternity home. Sean Paul Gott may also present expert testimony as noted by other Defendants to this proceeding.

- **By Defendant LSU:** LSU may present expert testimony to address the cause of Max Gruver's death and other issues surrounding Mr. Gruver's medical condition. LSU reserves the right to supplement this response.

- **By Defendant Isto:** Isto may present expert testimony to address the cause of Max Gruver's death and other issues surrounding Mr. Gruver's medical condition. Isto reserves the right to supplement this response.

## **H. PROPOSED SCHEDULING ORDER**

**Plaintiffs' Response:** In light of LSU's appeal, Plaintiffs' pending motion to designate that appeal as frivolous and dilatory, and the fact that the newly added Defendants have not been served with process, the parties have not had substantive discussions regarding a proposed scheduling order because the outcomes of LSU's appeal and Plaintiff's pending motion, the participation of the newly added Defendants, and the schedules of those newly added Defendants' counsel, could impact the scheduling of discovery and other matters in this case. Counsel for Plaintiffs have drafted the proposed scheduling order that follows below in case the Court determines to certify LSU's appeal as frivolous and/or that a stay of discovery, in any form, is not appropriate at this time. Plaintiffs reserve the right to modify or withdraw this proposal should the Court order that discovery be stayed, in whole or part.

**LSU's Response:** LSU objects to the entry of a scheduling order at this time.

**Plaintiffs' Proposed Scheduling Order:**

1. If the parties propose an alternative timeframe for exchanging initial disclosures, please provide that proposed deadline: N/A.
2. Recommended deadlines to join other parties or to amend the pleadings: February 28, 2020.
3. Filing all discovery motions and completing all discovery except experts: September 4, 2020.
4. Disclosure of identities and resumes of expert witnesses (if appropriate, you may suggest different dates for disclosure of experts in different subject matters):

**Plaintiff(s):** September 30, 2020.

**Defendant(s):** November 12, 2020.

5. Exchange of expert reports:

**Plaintiff(s):** October 14, 2020.

**Defendant(s):** November 25, 2020.

**Plaintiffs' Rebuttal Expert(s):** December 23, 2020.

6. Completion of discovery from experts: January 27, 2021.
7. Filing dispositive motions and Daubert motions: February 26, 2021.
8. All remaining deadlines and the pre-trial conference and trial date will be included in the initial scheduling order. The deadlines will be determined based on the presiding judge's schedule, within the following general parameters. The parties should not provide any proposed dates for these remaining deadlines.

- a. Deadline to file pre-trial order (approximately 16 weeks after dispositive motion deadline).
- b. Deadline to file motions in limine (approximately 20-22 weeks after dispositive motion deadline).
- c. Deadline to file responses to motions in limine (approximately 22-24 weeks after dispositive motion deadline).
- d. Deadline to file an affidavit of settlement efforts (approximately 22-24 weeks after dispositive motion deadline).
- e. Deadline to submit joint jury instructions, voir dire, verdict forms, and trial briefs to the presiding judge (approximately 25-27 weeks after dispositive motion deadline).
- f. Pre-trial conference date (approximately 18-20 weeks after dispositive motion deadline).
- g. Trial date (approximately 27-29 weeks after dispositive motion deadline).

9. If the general outline of proposed deadlines does not fit the circumstances of your particular case, please provide a proposed joint schedule of deadlines which is more appropriate for your case.

## I. TRIAL

1. Has a demand for trial by jury been made?

[X] YES [ ] NO

2. Estimate the number of days that trial will require.

**Plaintiffs' Response:** Plaintiffs estimate the trial in this matter will require between 10 and 14 days.

**Defendants' Response:**

- **Defendant Isto's Response:** Defendant Isto estimates the defense case will require 5 days.

**J. OTHER MATTERS**

Are there any specific problems the parties wish to address at the scheduling conference?

[X] YES [ ] NO

i. If the answer is *yes*, please explain:

The Court's rulings on the motions filed by LSU and Plaintiffs discussed in Section C, above, could impact the timing, sequence, and scope of discovery in this case. To the extent not all of the issues raised by the motions are resolved before the scheduling conference, the parties would like to address those issues at the scheduling conference, including any unresolved issues related to the timing, sequence, and scope of discovery that may arise out of rulings on the motions.

ii. If the answer is *no*, do the parties want the court to cancel the scheduling conference and to enter a scheduling order based on the deadlines set out in this report? **CHECK “NO” IF YOU HAVE NOT SUBMITTED JOINT PROPOSED DEADLINES.**

[ ] YES [ ] NO

**K. SETTLEMENT**

1. Please set forth what efforts, if any, the parties have made to settle this case to date.

**Plaintiffs' Response:** Plaintiffs have settled their claims against Hudson B. Kirkpatrick, Elliott D. Eaton, and Matthew A. Naquin, and those Defendants have been dismissed from this case. Further, Plaintiffs have reached agreements in principle to settle their

claims against Phi Delta Theta Fraternity, Louisiana Beta Chapter of Phi Delta Theta Fraternity, Louisiana Beta House Corporation, and Zachary Castillo. Joint Notices of those settlements have been filed with the Court, together with a request for a conditional order of dismissal as to each of those Defendants while the settlements are consummated (Rec. Doc. Nos. 134 and 135).

In addition, Counsel for Plaintiffs has had preliminary settlement-related discussions with counsel for certain of the other Defendants in this case.

**Defendants' Response(s):**

- **Defendant Hall's Response:** Hall requests that plaintiff voluntarily dismiss him from this case.
- **Defendant Gott's Response:** Counsel for Sean Paul Gott has had preliminary settlement related discussions with counsel for Plaintiffs in this case.
- **Defendant Isto's Response:** Defendant Isto has had preliminary settlement related discussions with counsel for Plaintiffs in this case.

2. Do the parties wish to have a settlement conference:

[ ] YES [X] NO

If your answer is yes, at what stage of litigation would a settlement conference be most beneficial?

**L. CONSENT TO JURISDICTION BY A MAGISTRATE JUDGE**

All parties agree to jurisdiction by a Magistrate Judge of this court:

[ ] Yes [X] No

Report dated: October 17, 2019

Respectfully submitted,

/s/ Jonathon N. Fazzola

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CERTIFICATE OF SERVICE

I hereby certify that on this date a true and correct copy of the foregoing *Second Status Report* was filed electronically with the Clerk of Court using the CM/ECF system. Service of this filing will be made on all ECF-registered counsel by operation of the court's electronic filing system. Parties may access this filing through the court's system.

Dated: October 17, 2019

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